

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1463 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
17/02/2004 in WP NO : 2891 OF 2004 on the file of the High Court.)

Between:

K. Amarender Reddy, S/o K.Laxma Reddy,
R/o Plot No. 120, Road No.13, Banjara Hills, Hyderabad.

..... APPELLANT

AND

- 1 Shaik Mansoor, S/o Shaik Mahboob Saheb,
R/o Flat No. 201, Hardhik Avenue ,Padma Colony, Nallakunta, Hyderabad.
- 2 Shaik Abdul Gaffar, S/o Shaik Abdul Azeed,
R/o Flat No. 201, Hardhik Avenue ,Padma Colony, Nallakunta, Hyderabad.
- 3 Shaik Jamal Wali, S/o Shaik Murad,
R/o Flat No. 201, Hardhik Avenue ,Padma Colony, Nallakunta, Hyderabad.
- 4 Shaik Anwar Pasha, S/o Qasim Miya,
R/o Flat No. 201, Hardhik Avenue ,Padma Colony, Nallakunta, Hyderabad.
- 5 Syed Iftekar Hussaim Zaidi, S/o Syed Mumtaz Hussain Zaidi,
R/o 22-3-910, Darulshifa, Hyderabad.
- 6 Syed Sarfaraz, S/o Syed Ali Hussain Zaidi,
R/o 22-3-910/A, Darulshifa, Hyderabad.
- 7 The Deputy Municipal Commissioner, Circle-5, Municipal Corporation of
Hyderabad, Khairatabad, Hyderabad.

.....RESPONDENT(S)

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent Nos. 1 to 6: V. Tulasi Reddy

Counsel for the Respondent No.7: SMT.G.JYOTHI KIRAN

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Appellant is not a party to the writ petition. Leave granted on an application made.

We have heard the learned counsel for the appellant.

On 5.2.2004, the Deputy Municipal Commissioner, Circle-5, Municipal Corporation of Hyderabad passed an order cancelling the assessments as also the receipts issued/PTN numbers allotted to six persons. It was done pursuant to the complaint which was received from the appellant. Appellant in the complaint had alleged that the Tax Inspector has colluded with Sri Shaik Anwar Basha and issued fake municipal numbers and fake tax receipts. On examining the complaint, without issuing notices to the affected persons, the order dated 5.2.2004 was passed. Obviously, this was questioned by the writ petitioners in the impugned writ petition alleging violation of principles of natural justice. Learned single judge by the order impugned in the writ appeal set aside the order dated 5.2.2004 and reserved liberty to the Municipal Corporation-authorities to take necessary action in accordance with law after issuing necessary notices and affording opportunity to the writ petitioners.

We fail to understand how appellant herein can be said to be a necessary or proper party in a matter which is concerning the Municipal Corporation or writ petitioners.

Appellant was only a complainant. In case, appellant has got any further grievance or dispute as regards title, it is for the appellant to initiate appropriate proceedings before the Civil Court, but, appellant cannot be permitted to challenge the order, which is just, lawful and equitable.

The writ appeal is accordingly dismissed.

DEVINDER GUPTA, CJ

Date: 29th September, 2004

C.V.RAMULU,J

Pnb

To

1. The Deputy Municipal Commissioner, Circle-5, Municipal Corporation of Hyderabad, Khairatabad, Hyderabad.

2. Two CD copies.